

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on April 8, 2015 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SJ 24, 4/8/2015; HB 202, 4/8/2015; HB 425, 4/8/2015; HB 430, 4/8/2015; HB 433, 4/8/2015; HB 488, 4/8/2015

Executive Action: HB 202-Tabled, HB 430-Be Concurred In/Motion Withdrawn, HB 433-Be Concurred In/Motion Tied, bill remains in the committee, HB 488-Be Concurred In/Motion Withdrawn, SJ 24-Do Pass, HB 89-Be Concurred In, HB 425-Table/Motion Tied, bill remains in the committee

HEARING ON HB 202

Opening Statement by Sponsor:

00:01:08 Rep. Bryce Bennett (D), HD 91, opened the hearing on HB 202, Allow for optional DUI prevention contribution on vehicle registration form.

[EXHIBIT\(jus70a01\)](#)

Proponents' Testimony:

00:04:33 Virginia Braun, DUI Task Force, Missoula

[EXHIBIT\(jus70a02\)](#)

00:08:28 Mary Beeby, self, Kalispell

00:09:58 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD), also for Montana Common Sense Coalition (MCSC)

Opponents' Testimony:

00:10:36 Ronda Wiggers, Montana County Treasurers Association (MCTA)

Informational Testimony:

00:14:43 Sarah Garcia, administrator, Motor Vehicle Division, Department of Justice (DOJ)

00:14:58 Lynn Zanto, Department of Transportation (MDT)

Questions from Committee Members and Responses:

00:15:21 Sen. Kary

00:15:39 Ms. Braun, DUI Task Force

Closing by Sponsor:

00:18:49 Rep. Bennett

HEARING ON HB 488

Opening Statement by Sponsor:

00:21:17 Rep. Keith Regier (R), HD 4, opened the hearing on HB 488, Generally revise DUI laws.

Proponents' Testimony:

00:25:03 Jon Bennion, assistant attorney general, Department of Justice (DOJ)

[EXHIBIT\(jus70a03\)](#)

00:30:11 Larry Epstein, Montana County Attorneys Association (MCCA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)

00:31:14 Rebecca Sturdevant, Mothers Against Drunk Drivers (MADD), also for Montana Common Sense Coalition (MCSC)

[EXHIBIT\(jus70a04\)](#)

00:36:17 Jessie Luther, Association of Montana Troopers (AMT)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:37:44 Sen. McNally
00:38:38 Mr. Bennion, DOJ
00:40:12 Sen. Moe
00:40:29 Mr. Bennion
00:44:11 Sen. Fielder
00:44:29 Mr. Bennion
00:45:45 Sen. Sands
00:46:09 Mr. Bennion
00:48:24 Sen. Larsen
00:49:04 Mr. Bennion
00:49:55 Sen. Kary
00:51:18 Mr. Bennion

Closing by Sponsor:

00:53:19 Rep. Regier

HEARING ON HB 430

Opening Statement by Sponsor:

00:53:46 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 430, Provide for an interim judicial redistricting commission.

Proponents' Testimony:

00:57:50 Mike McGrath, chief justice, Montana Supreme Court (MSC)

[EXHIBIT\(jus70a05\)](#)

01:04:36 Kevin Nelson, Billings

01:05:34 John Larson, judge, 4th Judicial District, Mineral County

[EXHIBIT\(jus70a06\)](#)

[EXHIBIT\(jus70a07\)](#)

01:10:24 Bruce Spencer, State Bar of Montana (SBM)

01:12:48 Mary Phippen, Montana Association of Clerks of District Court (MACDC)

01:13:44 Jon Bennion, assistant attorney general, Department of Justice (DOJ)

01:16:17 Shantil Siaperas, legislative analyst, Montana Association of Counties (MACo)

Opponents' Testimony:

01:17:24 Mike Fellows, Montana Libertarian Party (MTLP)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:18:17 Sen. Fielder

01:19:06 Rep. Fitzpatrick

01:20:22 Sen. Fielder

01:21:27 Mr. Bennion, DOJ

01:22:36 Sen. Larsen

01:23:27 Rep. Fitzpatrick

01:24:01 Mr. McGrath, MSC

01:24:36 Sen. Larsen

01:25:08 Mr. McGrath

01:25:49 Sen. Vincent

01:26:27 Beth McLaughlin, court administrator, Montana Supreme Court (MSC)

[EXHIBIT\(jus70a08\)](#)

01:29:10 Sen. Moe

01:30:14 Mr. McGrath

01:31:34 Sen. Fielder

01:31:59 Mr. McGrath

01:34:57 Sen. Swandal

01:35:26 Ms. McLaughlin, MSC

01:36:14 Chairman Sales

01:36:24 Rep. Fitzpatrick

01:36:40 Chairman Sales

01:36:55 Ms. McLaughlin

Closing by Sponsor:

01:37:36 Rep. Fitzpatrick

HEARING ON HB 425

Opening Statement by Sponsor:

01:39:30 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 425, Constitutional amendment to define person.

Proponents' Testimony:

01:43:20 Robert Wetzel, Lieutenant Colonel, retired, Kalispell

01:47:32 Paul McElroy, pastor, Helena

[EXHIBIT\(jus70a09\)](#)

01:51:03 Dawn Mahler, self, foster parent

01:54:35 Annie Bukacek, physician, Kalispell, president, Montana Right to Life Coalition (MRLC)

[EXHIBIT\(jus70a10\)](#)

[EXHIBIT\(jus70a11\)](#)

01:56:31 Sen. Larsen

01:56:36 Chairman Sales

01:57:59 William Wise, physician, retired

02:00:00 Rudolf Tankink, self, Great Falls

02:01:00 Judy Tankink, self, Great Falls

02:02:05 Bethany Curtis, self, Kalispell

[EXHIBIT\(jus70a12\)](#)

02:05:29 Julie Dockery, self, Kalispell

[EXHIBIT\(jus70a13\)](#)

02:08:21 Mark Cramer, self, Helena

02:09:25 George Hudson, self, Kalispell

[EXHIBIT\(jus70a14\)](#)

02:12:59 John Embry, self, Kalispell

02:15:49 Ed Halland, self, Bridger

02:17:25 Garrett Bacon, self

02:17:41 Robert Lane, self, Creston

02:19:50 Karri Beebe, self, Billings

02:20:06 Dwight Goble, self, Big Fork

02:20:27 John S. Ebich, self

02:20:51 James Quillin, self

02:21:13 Stanisla Cruz, self

02:21:26 Wes Rowe, self, Silver City

02:21:51 Lyle Schwabauer, self

02:22:12 Terry Rowe, Silver City

Opponents' Testimony:

02:22:49 Niki Zupanic, American Civil Liberties Union (ACLU)

02:27:21 Maggie Moran, executive director, NARAL Pro-Choice Montana
02:30:39 Martha Stahl, president/chief executive officer, Planned Parenthood of Montana (PPM), Planned Parenthood Advocates of Montana (PPAM)
02:32:27 Robin Turner, public policy/legal director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
02:34:51 Kim Abbott, Montana Human Rights Network (MHRN)

Informational Testimony:

02:35:40 Jorge Quintana, chief legal council, Secretary of State (SOS)

Questions from Committee Members and Responses:

02:36:28 Sen. Driscoll
02:36:41 Rep. Monforton
02:36:54 Sen. Hinkle
02:37:25 Ms. Bukacek, MRLC

Closing by Sponsor:

02:37:50 Rep. Monforton

HEARING ON HB 433

Opening Statement by Sponsor:

02:39:29 Rep. Seth Berglee (R), HD 58, opened the hearing on HB 433, Providing a tuition tax credit for K-12 education.

Proponents' Testimony:

02:41:47 Mike Fellows, Montana Libertarian Party (MTLP)
[EXHIBIT\(jus70a15\)](#)

02:42:58 Ed Halland, self, Bridger
[EXHIBIT\(jus70a16\)](#)

02:45:24 Kevin Nelson, self, Billings
02:48:41 Karri Beebe, self, Billings

Opponents' Testimony:

02:49:19 Jim Molloy, senior policy advisor, Governor's Office
02:51:24 Eric Feaver, MEA-MFT, also for Rabbi Ed Stafman, Bozeman
[EXHIBIT\(jus70a17\)](#)

02:57:20 Pat Audet, associate director, School Administrators of Montana (SAM)
02:59:36 Robert Filipovich, school teacher, retired, Helena
03:08:27 Patricia Decker, self, Red Lodge

03:09:09 Heather O'Loughlin, Montana Budget and Policy Center (MBPC)
[EXHIBIT\(jus70a18\)](#)

03:13:16 Niki Zupanic, American Civil Liberties Union (ACLU), also for Montana Human Rights Network (MHRN)

Informational Testimony:

None

Questions from Committee Members and Responses:

03:14:48 Sen. Fielder
03:15:19 Rep. Berglee
[EXHIBIT\(jus70a19\)](#)

03:16:59 Sen. Moe
03:17:24 Rep. Berglee

Closing by Sponsor:

03:19:50 Rep. Berglee

HEARING ON SJ 24

Opening Statement by Sponsor:

03:23:00 Sen. Diane Sands (D), SD 49, opened the hearing on SJ 24, Interim study on sexual assault.
[EXHIBIT\(jus70a20\)](#)

Proponents' Testimony:

03:26:49 Jon Bennion, assistant attorney general, Department of Justice (DOJ)
03:28:09 Patricia Decker, self, Red Lodge, also board member, Red Lodge Domestic Violence Center
03:28:57 Kevin McRae, deputy commissioner of higher education, Montana University System (MUS)
03:29:42 Robin Turner, public policy/legal director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
03:31:01 Haochey (Harry) Wang, Associated Students of University of Montana (ASUM), Missoula
03:32:04 Garrett Lankford, Associated Students of Montana State University (ASMSU), Bozeman
[EXHIBIT\(jus70a21\)](#)
[EXHIBIT\(jus70a22\)](#)

03:33:27 Jen Marshall, student, Montana University System (MUS)

03:34:28 Mark Murphy, Montana County Attorneys Association (MCCA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)

03:36:44 Linda Stoll, Missoula County

[EXHIBIT\(jus70a23\)](#)

03:37:04 Mike Hopkins, president, Montana Associated Students (MAS)

Opponents' Testimony:

03:37:38 Mike Fellows, Montana Libertarian Party (MTLP)

Informational Testimony:

None

Questions from Committee Members and Responses:

03:38:39 Sen. Moe

03:39:15 Sen. Sands

Closing by Sponsor:

03:39:34 Sen. Sands

03:40:15 Recess

03:55:15 Reconvene

EXECUTIVE ACTION ON HB 202

(Sen. Vincent absent from the hearing room)

03:55:51 **Motion/Vote:** Sen. Swandal moved that **HB 202 BE TABLED**. Motion carried 8-4 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally and Sen. Sands voting no. Sen. Hansen and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 430

03:56:57 **Motion:** Sen. Larsen moved that **HB 430 BE CONCURRED IN**.

Discussion:

03:57:02 Julianne Burkhardt, Legislative Services Division (LSD)

03:57:21 Without objection, Sen. Larsen withdrew his motion.

EXECUTIVE ACTION ON HB 433

03:57:38 **Motion:** Sen. Fielder moved that **HB 433 BE CONCURRED IN.**

Discussion:

03:57:50 Sen. Sands
03:58:05 Sen. Larsen
03:58:29 Sen. Hinkle
03:58:55 Sen. Moe

(Sen. Vincent returned to the hearing room)

04:00:30 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Swandal voting aye. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON HB 488

04:00:54 **Motion:** Sen. Sands moved that **HB 488 BE CONCURRED IN.**

Discussion:

04:01:02 Sen. Swandal
04:01:11 Without objection, Sen. Sands withdrew her motion.

EXECUTIVE ACTION ON SJ 24

04:01:28 **Motion/Vote:** Sen. Sands moved that **SJ 24 DO PASS.** Motion carried 11-1 by voice vote with Sen. Sales voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON HB 89

04:02:13 **Motion:** Sen. Sands moved that **HB 89 BE CONCURRED IN.**

Discussion:

04:02:54 Sen. Fielder
04:03:21 Chairman Sales
04:03:43 Sen. Fielder
04:03:49 Julianne Burkhardt, Legislative Services Division (LSD)
04:04:57 Sen. Sands
04:05:38 Chairman Sales
04:06:10 Sen. Sands
04:06:32 Sen. Larsen
04:07:22 Sen. Hinkle
04:08:20 Sen. Sands
04:08:45 Sen. Vincent
04:09:17 Sen. Swandal

04:10:09 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Vincent voting no. Sen. Hansen voted by proxy. Sen. Moe will carry the bill.

Discussion:

04:10:38 Chairman Sales

04:11:19 Sen. Driscoll

04:11:41 Chairman Sales

EXECUTIVE ACTION ON HB 425

04:12:02 **Motion/Vote:** Sen. Swandal moved that **HB 425 BE TABLED**. Motion failed 6-6 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe, Sen. Sands and Sen. Swandal voting aye. Sen. Hansen voted by proxy.

ADJOURNMENT

Adjournment: 12:13 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus70aad.pdf](#))